

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KELTON DAVIS, *et al.*, individually and on behalf of a class of all others similarly situated;

Plaintiffs,

- against -

THE CITY OF NEW YORK and NEW YORK CITY HOUSING AUTHORITY;

Defendants.

10 Civ. 0699 (SAS)
ECF Case

DECLARATION OF JIN HEE LEE

JIN HEE LEE declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am Assistant Counsel with the NAACP Legal Defense and Educational Fund, Inc., 99 Hudson Street, Suite 1600, New York, New York 10013, and represent Plaintiffs in the above-referenced action. I submit this declaration in support of Plaintiffs Memorandum of Law in Opposition to Defendants' Motions for Partial Summary Judgment, filed on January 7, 2013.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the transcript of the deposition of Assistant Chief Edward Delatorre, taken on January 9-10, 2012, in the above-referenced action.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the transcript of the deposition of Police Officer Granit Selimaj, taken on March 25, 2011, in the above-referenced action.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the transcript of the deposition of Deputy Commissioner Julie L. Schwartz, taken on December 6, 2011, in the above-referenced action.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the transcript of the deposition of Police Officer Keith Devine, taken on November 29, 2011, in the above-referenced action.

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the transcript of the deposition of Lieutenant Sean Mohan, taken on June 24, 2011, in the above-referenced action.

7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the transcript of Police Officer Stacey De Nardo, taken on May 6, 2011, in the above-referenced action.

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the corrected Expert Report of Jeffrey Fagan, Ph.D., served on July 25, 2012, in the above-referenced action.

9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the amended Rebuttal Report of Jeffrey Fagan, Ph.D., served on October 11, 2012, in the above-referenced action.

10. Attached hereto as Exhibit 9 is a true and correct copy of the Declaration of Marcetta Palmer, dated January 23, 2012.

11. Attached hereto as Exhibit 10 is a true and correct copy of the Declaration of Maria Forbes, dated January 27, 2012.

12. Attached hereto as Exhibit 11 is a true and correct copy of the Declaration of Aaron J. Brown, dated January 25, 2012.

13. Attached hereto as Exhibit 12 is a true and correct copy of the Declaration of John Johnson, dated January 27, 2012.

14. Attached hereto as Exhibit 13 is a true and correct copy of the Declaration of Pearl Barkley, dated January 26, 2012.

15. Attached hereto as Exhibit 14 is a true and correct copy of the Declaration of Pamela Thrower, dated January 26, 2012.

16. Attached hereto as Exhibit 15 is a true and correct copy of the Declaration of Luis Torres, dated January 26, 2012.

17. Attached hereto as Exhibit 16 is a true and correct copy of the Declaration of Isis Lopez, dated January 26, 2012.

18. Attached hereto as Exhibit 17 is a true and correct copy of the Declaration of M.P., a minor, dated January 26, 2012.

19. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from the transcript of the deposition of Reginald H. Bowman, taken on March 28, 2012, in the above-referenced matter.

20. Attached hereto as Exhibit 19 is a true and correct copy of the Declaration of Mary Baez, dated January 23, 2012.

21. Attached hereto as Exhibit 20 is a true and correct copy of excerpts from the transcript of the New York City Housing Authority Safety & Security Task Force Meeting, held on January 14, 2010, bearing production numbers NYCHA 5475-5476, 5508.

22. Attached hereto as Exhibit 21 is a true and correct copy of excerpts from the transcript of the New York City Housing Authority Resident Advisory Board Meeting, held on December 10, 2009. The entire transcript was produced electronically by Defendant New York City Housing Authority (“NYCHA”) with the single production number DAVIS-NYCHA00013206, but that number was not printed onto the actual document.

23. Attached hereto as Exhibit 22 is a true and correct copy of excerpts from the transcript of the deposition of Meera Joshi, taken on August 11, 2011, in the above-referenced action.

24. Attached hereto as Exhibit 23 is a true and correct copy of excerpts from the Civilian Complaint Review Board (“CCRB”) Case Closing Form for Case No. 200815749, dated July 22, 2009, and July 24, 2009, bearing production numbers NYC00007285, 7289. **Exhibit 23 has been designated “Confidential Information” by Defendant City of New York (“City”), and is filed under seal pursuant to the Stipulation and Protective Order, issued by this Court on October 21, 2010 (“Protective Order”). (ECF No. 24.)**

25. Attached hereto as Exhibit 24 is a true and correct copy of excerpts from the CCRB Investigative Recommendation form for Case No. 200909310, dated December 18, 2009, bearing production numbers NYC00007601, 7603. **Exhibit 24 has been designated “Confidential Information” by the City, and is filed under seal pursuant to the Protective Order.**

26. Attached hereto as Exhibit 25 is a true and correct copy of excerpts from the CCRB Case Closing Form for Case No. 200901072, dated October 5, 2009, bearing production numbers NYC00008866, 8873. **Exhibit 25 has been designated “Confidential Information” by the City, and is filed under seal pursuant to the Protective Order.**

27. Attached hereto as Exhibit 26 is a true and correct copy of excerpts from the CCRB Investigative Recommendation form for Case No. 200906048, dated March 15, 2010, and March 16, 2010, bearing production numbers. NYC00009627, 9630. **Exhibit 26 has been designated “Confidential Information” by the City, and is filed under seal pursuant to the Protective Order.**

28. Attached hereto as Exhibit 27 is a true and correct copy of an excerpt from the CCRB Investigative Recommendation form for Case No. 200903569, dated January 12, 2010, bearing production number NYC00009331. **Exhibit 27 has been designated “Confidential Information” by the City, and is filed under seal pursuant to the Protective Order.**

29. Attached hereto as Exhibit 28 is a true and correct copy of excerpts from the transcript of the deposition of Police Officer Ruben Arroyo-Perez, taken on November 15, 2011, in the above-referenced action.

30. Attached hereto as Exhibit 29 is a true and correct copy of excerpts from the transcript of the deposition of Lieutenant Anthony Venice, taken on November 3, 2011, in the above referenced action.

31. Attached hereto as Exhibit 30 is a true and correct copy of the 1st Endorsement from Joanne Jaffe, Chief of Housing, to the Chief of Department, dated April 30, 2009, which attaches a letter from Jeannette Rucker, Chief of Arraignments/Complaint Room of the Bronx District Attorney’s Office, to Chief Joan [sic] Jaffe, Borough Commanding Officer [sic] of the New York City Police Department (“NYPD”), dated April 15, 2009, all bearing production numbers NYC0020305-20307. Exhibit 30 does not include the additional documents attached to Ms. Rucker’s letter. **Exhibit 30 has been designated “Confidential Information” by the City, and is filed under seal pursuant to the Protective Order.**

32. Attached hereto as Exhibit 31 is a true and correct copy of excerpts from the Transcript of the Minutes of the Committee on Public Safety (Held Jointly With) Subcommittee on Public Housing, New York City Council, dated November 2, 2006, bearing production numbers NYCE00003834-3835.

33. Attached hereto as Exhibit 32 is a true and correct copy of excerpts from the transcript of the deposition of Sergeant Gabriel Oliveras, taken on January 24, 2012, in the above-referenced action.

34. Attached hereto as Exhibit 33 is a true and correct copy of excerpts from the transcript of the deposition of Police Officer Hector Jimenez, taken on March 24, 2011, in the above-referenced action.

35. Attached hereto as Exhibit 34 is a true and correct copy of excerpts from the transcript of the deposition of Sergeant Thomas Gagliardi, taken on December 7, 2011, in the above-referenced action.

36. Attached hereto as Exhibit 35 is a true and correct copy of excerpts from the transcript of the deposition of Police Officer Jonathan Calderon, taken on May 6, 2011, in the above-referenced action.

37. Attached hereto as Exhibit 36 is a true and correct copy of the letter from Jeannette Rucker, Chief of Complaint Room/Arraignments of the Bronx District Attorney's Office to Assistant Chief Edward Delatorre of the NYPD Housing Bureau, dated July 17, 2012, bearing production numbers NYC0021608-21609.

38. Attached hereto as Exhibit 37 is a true and correct copy of excerpts from the Expert Report of Joseph E. Brann, dated June 29, 2012, for the above-referenced action.

39. Attached hereto as Exhibit 38 is a true and correct copy of excerpts from the transcript of the deposition of Sergeant Luke Denesopolis, taken on December 20, 2011, in the above-referenced action.

40. Attached hereto as Exhibit 39 is a true and correct copy of excerpts from the transcript of the deposition of Chief George W. Anderson, taken on August 15, 2011, in the above-referenced action.

41. Attached hereto as Exhibit 40 is a true and correct copy of excerpts from the transcript of the deposition of Lieutenant Robert W. O'Hare, taken on June 22, 2012, in the above-referenced action.

42. Attached hereto as Exhibit 41 is a true and correct copy of excerpts from the transcript of the deposition of Inspector Juanita Holmes, taken on October 31, 2011, in the above-referenced action.

43. Attached hereto as Exhibit 42 is a true and correct copy of a memorandum from the NYPD Commanding Officer, Housing Bureau Investigations Unit to the Executive Officer, Housing Bureau, dated August 9, 2011, bearing production numbers NYC0020525-20526.

Exhibit 42 has been designated “Confidential Information” by the City, and is filed under seal pursuant to the Protective Order.

44. Attached hereto as Exhibit 43 is a true and correct copy of excerpts from the transcript of the deposition of Police Officer Carmelo Quiles, taken on April 13, 2011, in the above-referenced action.

45. Attached hereto as Exhibit 44 is a true and correct copy of excerpts from the transcript of the deposition of Lieutenant Christopher Allen, taken on December 30, 2011, in the above-referenced action.

46. Attached hereto as Exhibit 45 is a true and correct copy of excerpts from the transcript of the deposition of Police Officer Alexis Fernandez, taken on May 18, 2011, in the above-referenced action.

47. Attached hereto as Exhibit 46 is a true and correct copy of a chart created by the NYPD Department Advocate's Office, which indicates the dispositions of substantiated CCRB cases for wrongful stops in NYCHA, bearing production numbers NYC0020178-20181.

48. Attached hereto as Exhibit 47 is a true and correct copy of excerpts from the transcript of the deposition of Detective Christopher Goodwin, taken on October 18, 2011, in the above-referenced action.

49. Attached hereto as Exhibit 48 is a true and correct copy of excerpts from the transcript of the deposition of Inspector Kerry Sweet, taken on November 30, 2011, in the above-referenced action.

50. Attached hereto as Exhibit 49 is a true and correct copy of excerpts from the transcript of the New York City Housing Authority Safety and Security Task Force Meeting, held on May 4, 2011. The entire transcript was produced electronically by Defendant NYCHA with the single production number DAVIS-NYCHA00016674, but that number was not printed onto the actual document.

51. Attached hereto as Exhibit 50 is a true and correct copy of excerpts from the Transcript of the Minutes of the Committee on Public Safety (Held Jointly With) Subcommittee on Public Housing, New York City Council, dated April 29, 2004, bearing production numbers NYCE00004137-4138.

52. Attached hereto as Exhibit 51 is a true and correct copy of excerpts from the transcript of the New York City Housing Authority City-Wide Council of Presidents (“CCOP”) Chair Meeting, held on October 15, 2009, bearing production numbers NYCE00006297-6298.

53. Attached hereto as Exhibit 52 is a true and correct copy of a document titled “The Public Housing Police and Public Housing Resident Relations, Perception and Reality and Recommendations, Meeting with NYPD Police Commissioner Raymond Kelly, Monday November 30th, 2009, Prepared and Submitted by the CCOP of NYCHA,” bearing production numbers NYC00010957-10959.

54. Attached hereto as Exhibit 53 is a true and correct copy of excerpts from the transcript of the deposition of Gloria Jean Finkelman, taken on July 29, 2011, in the above-referenced action.

55. Attached hereto as Exhibit 54 is a true and correct copy of excerpts from the transcript of the deposition of Brian Clarke, taken on July 22, 2011, in the above-referenced action.

56. Attached hereto as Exhibit 55 is a true and correct copy of excerpts from the Report of Robert McCrie, PhD, CPP, dated June 29, 2012, for the above referenced action.

57. Attached hereto as Exhibit 56 is a true and correct copy of excerpts from the NYCHA’s Final PHA Plan: Annual Plan for Fiscal Year 2012, dated October 18, 2011.

58. Attached hereto as Exhibit 57 is a true and correct copy of a document titled “Manhattan Borough President Scott M. Stringer, Statement at the New York City Housing Authority’s Public Hearing On the FY 2009 Draft Annual Agency Plan,” dated August 13, 2008, bearing production numbers NYCHA 59823-59824.

59. Attached hereto as Exhibit 58 is a true and correct copy of excerpts from the transcript of the deposition of Carlos A. Serrano, taken on July 12, 2011, in the above-referenced action

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 7, 2013

s/ Jin Hee Lee

JIN HEE LEE